



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/915,934

07/25/2001

Julie E. Fouquet

10011085-1

8275

7590

02/01/2005

AGILENT TECHNOLOGIES, INC.

Legal Department, DL429

Intellectual Property Administration

P.O. Box 7599

Loveland, CO 80537-0599

EXAMINER

VU, THONG H

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,934

Applicant(s)

FOUQUET ET AL.

Examiner

Thong H Vu

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-27 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-27 filed 1/10/05 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-27 are rejected under 35 U.S.C. § 103 as being unpatentable over Ashby et al [Ashby 6,447,424 B1] in view of Faris et al [Faris 6,659,861 B1].
4. As per claim 1, Ashby discloses a method for establishing a network for communicating a message [Ashby, Internet, GSP; col 4 line 40-col 5 line 35; electronic information, col 16 lines 25-47], the method comprising:
 - providing a network including topographic network devices and communication link interconnecting the topographic network devices, the topographic network devices each having a physical location represented by a topographic coordinate set [Ashby, topographical map, col 4 lines 41-65; col 15 lines 12-34, Fig 4]; and
 - for each one of the topographic network devices:
 - transmitting the topographic coordinate set of the one of the topographic network devices to the topographic network devices directly connected thereto, and receiving and storing the topographic coordinate set at least one of the topographic network

Art Unit: 2142

devices directly connected thereto [Ashby, directly to the Internet, col 12 lines 56-col 13 line 15, 35-55].

However Ashby does not detail assigning to the one of the topographic network devices a network address that includes the topographic coordinate set thereof,

It was well-known in the art that a network device could received information from a server such as IP address. Faris discloses an Internet-based system including the GPS receivers, XML and assigning IP address to the network devices [Faris, GPS, Internet, abstract; assigned IP address, col 16 lines 1-20; XML col 22 lines 34-62, Fig 2B]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the technique of assigned address to network devices as taught by Faris into the Ashby's apparatus in order to utilize the Internet-GPS communications. Doing so would provide a quick, direct and simple process to control information between a GPS and topographic devices over Internet.

5. As per claim 2, Ashby-Faris disclose transmitting, in response to receiving the topographic coordinate set, a topographic coordinate set from each of the at least one of the topographic network devices; and receiving and storing the topographic coordinate set from the each of the at least one of the topographic network devices at the one of the topographic network devices as a respective connected device coordinate set [Ashby, GPS coordinates, col 4 lines 41-65].

Art Unit: 2142

6. As per claim 3, Ashby-Faris disclose the topographic network devices include a source network device, a destination network device and an intermediate network device (i.e.: router), and ones of the topographic network devices, including the intermediate network device, have stored therein the topographic coordinate sets of at least one of the topographic network devices directly connected thereto as respective connected device coordinate sets [Faris, router, col 2 lines 6-12]; and

transmitting the message from the source network device to the destination network device, the message including the topographic coordinate set of the destination network device as a destination coordinate set [Faris, assigned IP address, col 16 lines 1-20], including:

receiving the message at the intermediate network device, identifying, from the topographic coordinate set of the destination network device and the connected device coordinate sets stored in the intermediate network device, a one of the topographic network devices directly connected to the intermediate network device that is physically closer to the destination network device than the intermediate network device, and transmitting the message from the intermediate network device to the identified one of the topographic network devices [Faris, router, col 2 lines 6-12].

7. As per claim 4, Ashby-Faris disclose providing a global positioning system receiver; co-locating the global positioning system receiver and the one of the topographic network devices ; and determining the topographic coordinate set of the

Art Unit: 2142

one of the topographic network devices using the global positioning system receiver [Ashby, GPS coordinates, col 4 lines 41-65].

8. As per claim 5, Ashby-Faris disclose assigning a network address to the one of the topographic network devices includes:

providing a map [Ashby, topical map, topographical map, col 4 lines 41-65];

determining the topographic coordinate set of the one of the topographic network devices using the map [Ashby, GPS coordinates and enable topographical information, col 15 lines 12-34, Fig 4]; and

inputting the topographic coordinate set into the one of the topographic network devices [Faris, assigned IP address, col 16 lines 1-20].

9. As per claim 6, Ashby-Faris disclose inserting the topographic coordinate set into a packet configured for transmission through the network [Faris, assigned IP address, col 16 lines 1-20]; and

transmitting the packet through the network to the topographic network devices connected to the one of the topographic network devices [Ashby, GPS coordinates and enable topographical information, col 15 lines 12-34, Fig 4].

10. As per claim 7, Ashby-Faris disclose receiving the packet including the topographic coordinate set at the at least one of the topographic network devices as a receiving network device [Faris, assigned IP address, col 16 lines 1-20];

sending the packet through the receiving network device [Ashby, GPS coordinates and enable topographical information, col 15 lines 12-34, Fig 4];

extracting the topographic coordinate set from the packet; and storing the topographic coordinate set as a connected device coordinate set as inherent feature of topographical map [Faris, extract the secret key, col 52 lines 1-5].

11. As per claim 8, Ashby-Faris disclose transmitting at least one of
(a) a device type indication [Faris, type of input device, col 26 lines 22-35], and
(b) additional topographic information, of the one of the topographic network device to ones of the topographic network devices directly connected thereto as inherent feature of topographical map.

12. As per claim 9, Ashby-Faris disclose dividing the network into regions; assigning to each of the regions at least one of the topographic network devices as a regional network device; interconnecting the regional network devices of the regions by high-capacity ones of the communication link; and supplying to ones of the topographic network devices in each one of the regions additional topographic information indicating the topographic coordinate set of the regional network device of the one of the regions and a topographic extent of at least some of the regions [Faris, Internet and DNS, col 1 lines 44-60].

13. As per claim 10, Ashby-Faris disclose routing the message from one of the topographic network devices located in a first one of the regions to another of the topographic network devices located in a second one of the regions via the regional network device of the first one of the regions and the regional network device of the second one of the regions [Faris, Internet and DNS, col 1 lines 44-60].

14. As per claim 11 contains the similar limitations set for claim 1. Therefore claim 11 is rejected for the same rationale set forth in claim 1.

15. As per claim 12, Ashby-Faris disclose identifying one of the topographic network devices, the one of the topographic network devices that is physically closest to the destination network device is identified [Faris, DNS, col 1 lines 44-60].

16. As per claim 13, Ashby-Faris disclose identifying one of the topographic network devices includes performing a topographic calculation using the destination coordinate set and the connected device coordinate sets stored in the intermediate network device as inherent feature of topographical map.

17. As per claim 14, Ashby-Faris disclose in providing the network, the ones of the topographic network devices additionally store at least one of

(a) a device type indication [Faris, type of input device, col 26 lines 22-35], and

(b) additional topographic information, of the ones of the topographic network devices directly connected thereto; and in identifying one of the topographic network devices, the one of the topographic network devices is identified additionally in response to at least one of the device type information and the additional topographic information as inherent feature of topographical map.

18. As per claim 15, Ashby-Faris disclose providing to ones of the topographic network devices, including the intermediate network device, additional topographic information relating to the network; and in identifying one of the topographic network devices, the one of the topographic network devices is identified in response to the additional topographic information in lieu of the destination coordinate set as inherent feature of topographical map [Faris, a registration database for the contestant system, col 22 lines 7-62].

19. As per claim 16, Ashby-Faris disclose identifying one of the topographic network devices, in lieu of being physically closer to the destination network device than the intermediate network device (i.e.: proxy server), the one of the topographic network devices is connected at least indirectly to the intermediate network device by one of the communication links at least one of (a) having a higher transmission capacity, and (b) carrying less network traffic [Faris, the network bandwidth associated with the higher level server, col 21 lines 25-45] .

Art Unit: 2142

20. As per claim 17, Ashby-Faris disclose receiving the message at the intermediate network device proxy server, and in response to the destination network address, providing the topographic coordinate set of one of the topographic network devices as the destination coordinate set, the one of the topographic network devices being associated with the destination network device [Faris, DNS, col 1 lines 44-60].

21. As per claim 18, Ashby-Faris disclose the destination network address includes a domain name; and providing the destination coordinate set includes providing the topographic coordinate set of one of (a) the one of the topographic network devices directly connected to the destination network device, and (b) one of the topographic network devices associated with the domain name [Faris, DNS, col 1 lines 44-60].

22. As per claim 19, Ashby-Faris disclose determining, from the destination coordinate set, whether the destination network device and the intermediate network device are located in a different ones of the regions, and when the destination network device and the intermediate network device are located in a different ones of the regions, routing the message from the intermediate network device located in a first one of the regions to the destination network device located in a second one of the regions via the regional network device of the first one of the regions and the regional network device of the second one of the regions [Faris, DNS, col 1 lines 44-60].

Art Unit: 2142

23. As per claims 20-27 contain the similar limitations set for claims 1-19. Therefore claims 21-27 are rejected for the same rationale set forth in claims 1-19.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (571) 272-3896. The fax number for the organization where this application or proceeding is assigned is 703-872-9306

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Patent Examiner
Art Unit 2142

A handwritten signature in black ink, appearing to read 'Thong Vu', with a horizontal line underneath.